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EXAMINER

NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,406

Applicant(s)

ROSENBERG, ALEXANDER M.

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to an amendment filed 9/1/05.
2. Claims 1-3 and 5-72 are pending in this application; and, claims 1, 14, 18, 25, 38, 42, 49, 62 and 66 are independent claims. Claims 1, 14, 18, 25, 38, 42, 49, 62 and 66 have been amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 14-17, 38-41 and 62-65 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. A "once writeable media" of line 3 of claims 14, 38 and 62 implies that the writeable media is no longer writeable. Claims 16, 40 and 64 then require "write[/writing] data onto said [once] blank writeable media". Therefore, the omitted steps are: erasing sufficient space to enable writing data onto said once blank writeable media; however, applicant is reminded that such subject matter must be described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention and reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed invention. Until the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action is overcome, the examiner will interpret all instances of "once writeable media" to mean: writeable media.

6. Claims 15-17, 39-41 and 63-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15-17, 39-41 and 63-65 recite the limitation "said blank writeable media" in lines 1-4 of claims 15, 39 and 63, lines 2-3 of claims 16, 40 and 62, and line 2 of claims 16, 41 and 63. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 103

7. Claims 1-3, 25, 26, 28, 49, 50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. ("Keller", US 6,621,768) in view of Kurashina et al. ("Kurashina", US 6,661,763 B2), and further in view of Screen Dumps of Microsoft Word ("MS Word").

As per claim 1, although Keller teaches a method for operating a data processing system, the method comprising receiving a writeable media into a drive system that is coupled to the data processing system or DPS, receiving an instruction to write or erase first data on the writeable media and receiving through a graphical user interface a command to eject the writeable media from the drive system (figs. 2 and 7-13; col. 4,

line 63 through col. 5, line 13; col. 5, line 44; *described is an "eject" option within an interface for issuing commands to a computer utilizing a pointing device, such as a finger or light pen, that manipulates and activates graphical images*), Keller does not explicitly disclose that upon the command to eject the writeable media from the drive system, the DPS writes or erases the first data on the writeable media. Kurashina teaches upon the command to eject the writeable media from the drive system, the DPS writes or erases the first data on a blank writeable media (col. 3, lines 13-23; col. 8, lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9; *i.e. instruction to write data on writeable media is executed upon ejecting the writeable media*). Therefore, it would have been obvious to an artisan at the time of the invention to include Kurashina's teaching of writing or erasing the first data on a blank writeable media upon the command to eject to Keller's teaching of writing or erasing the first data on the writeable media and receiving through a graphical user interface a command to eject the writeable media from the drive system to prevent data from accidentally being cleared.

However, Keller and Kurashina still do not explicitly disclose the execution of the instruction is delayed. MS Word teaches delaying execution of an instruction upon a command to quit the application (figs 1-2). Therefore, it would have been obvious to an artisan at the time of the invention to include MS Word's teaching of delaying execution of an instruction to quit the application to Keller and Kurashina's teaching of execution of an instruction upon a command to quit the application in order to prompt users to save when there contains unsaved changes.

As per claim 2, the modified Keller teaches a method for operating a data processing system, the method wherein the writeable media is an optical disc (Kurashina: Abstract; figs. 1(A-D)).

As per claim 3, the modified Keller teaches a method for operating a data processing system, the method wherein the optical disc is a CD-R disc or CD-RW disc or DVD disc (Keller: col. 25, lines 1-14; Kurashina: figs. 1(A-C)).

Claims 25 and 49 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claims 26 and 50 are individually similar in scope to claim 2 and are therefore rejected under similar rationale.

As per claims 28 and 52, the modified Keller teaches a method for operating a data processing system, the method wherein the writeable media is blank when the receiving of the writeable media is performed (Kurashina: fig. 1A).

8. Claims 5, 9-11, 14, 18-23, 24, 27, 29, 33-35, 38, 42-48, 51, 53, 57-59, 62 and 66-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. ("Keller", US 6,621,768) in view of Kurashina et al. ("Kurashina", US 6,661,763 B2) in view of Screen Dumps of Microsoft Word ("MS Word") as applied to claims 2, 5, 9, 10, 18, 19, 20, 22, 26, 33, 34, 42, 43, 44, 46, 50, 57, 58, 66, 67, 68 and 70, and further in view of Screen Dumps of Microsoft CD Player ("MS CD Player").

As per claim 5, although the modified Keller teaches a method for operating a data processing system, the method comprising displaying on a display device coupled to the DPS, a prompt to a user with at least two selectable options which allow a user

to: (1) eject the writeable media or (2) use the writeable media (Keller: figs. 2 and 7-13; col. 4, line 63 through col. 5, line 13; col. 5, line 44; col. 12, lines 35-42; *buttons 53-63*; Kurashina: col. 3, lines 13-23; col. 8, lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9), the modified Keller does not explicitly disclose automatically, in response to the inserting, a prompt to a user with at least three selectable options. MS CD Player teaches a method of prompting a user with three selectable options upon inserting a writeable media (MS CD Player: fig. 2; *upon receiving an optical storage medium, launching the audio CD program and displaying a prompt to a user with a plurality of selectable options such as an eject option on a display device*). Therefore, it would have been obvious to an artisan at the time of the invention to include MS CD Player's prompting a user with selectable options upon inserting a writeable media to the modified Keller's teaching of prompting a user with selectable options concerning the use of a writeable media in order to provide a user friendly navigational help system that coach users to the next conclusive step or that notifies users of available options.

As per claim 9, the modified Keller teaches a method for operating a data processing system, the method wherein if the use selectable option is selected, creating automatically, in response to the use selectable option being selected, a data file on a storage device which is coupled to the DPS prior to writing data to the writeable media (Keller: col. 12, lines 37-42; col. 13, lines 12-25).

As per claim 10, the modified Keller teaches a method for operating a data processing system, the method wherein the data file represents an entire capacity of the writeable media (Keller: col. 12, lines 37-42).

As per claim 11, the modified Keller teaches a method for operating a data processing system, the method wherein the data file represents a data cache for the writeable media (Keller: col. 12, lines 37-42; *before being saved onto a compact disc, such as a CD-R or CD-RW, the data is saved in data storage as files where the digital files represents a sort of data cache that can be reviewed*).

Claim 14 is similar in scope to claim 9 and is therefore rejected under similar rationale, except to store various data files to be written to said blank writeable media (Keller: col. 12, lines 35-42) upon an ejection (Kurashina: col. 3, lines 13-23; col. 8, lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9) or burn operation (Keller: col. 12, lines 35-42) that the modified Keller also teaches.

Claim 18 is similar in scope to the combination of claims 1 and 9 and is therefore rejected under similar rationale.

Claims 19, 34, 43, 58 and 67 are individually similar in scope to claim 10 and are therefore rejected under similar rationale.

Claims 20, 35, 44, 59 and 68 are individually similar in scope to claim 11 and are therefore rejected under similar rationale.

Claims 21, 27, 45, 51 and 69 are individually similar in scope to claim 3 and are therefore rejected under similar rationale.

As per claim 22, the modified Keller teaches a method for operating a data processing system, the method comprising displaying automatically, in response to the receiving and on a display device coupled to the DPS, a prompt to a user with at least two selectable options which allow a user to (1) eject the writeable media or (2) use the

writable media (Keller: figs. 2 and 7-13; col. 4, line 63 through col. 5, line 13; col. 5, line 44; buttons 53-63).

As per claim 23, the modified Keller teaches a method for operating a data processing system wherein the creating follows after the user selects to use the blank writable media (Keller: Abstract; fig. 2; col. 5, lines 1-38; Kurashina: fig. 1A).

As per claim 24, although the modified Keller teaches a method for operating a data processing system, the method wherein the storage device is a disk drive for the DPS and contains an operating system for the DPS (Keller: col. 11, lines 17-43), the modified Keller does not explicitly disclose the drive to be a boot drive. Official Notice is given that a method wherein the storage device is a boot drive is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include a method wherein the storage device is a boot drive to the modified Keller's method wherein the storage device is a disk drive in order to provide users with a method of selecting a drive to be the default drive that automatically loads the operating system when the computer is turned on.

Claims 29 and 53 are individually similar in scope to claim 5 and are therefore rejected under similar rationale.

Claims 33 and 57 are individually similar in scope to claim 9 and are therefore rejected under similar rationale.

Claim 38 is similar in scope to the combination of claim 9 and is therefore rejected under similar rationale.

Claim 42 is similar in scope to the combination of claims 1 and 9 and is therefore rejected under similar rationale, except to store various data files to be written to said blank writeable media (Keller: col. 12, lines 35-42) upon an ejection (Kurashina: col. 3, lines 13-23; col. 8, lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9) or burn operation (Keller: col. 12, lines 35-42) that the modified Keller also teaches.

Claims 46 and 70 are individually similar in scope to claim 22 and are therefore rejected under similar rationale.

Claims 47 and 71 are individually similar in scope to claim 23 and are therefore rejected under similar rationale.

Claims 48 and 72 are individually similar in scope to claim 24 and are therefore rejected under similar rationale.

Claim 62 is similar in scope to the combination of claim 9 and is therefore rejected under similar rationale.

Claim 66 is similar in scope to the combination of claims 1 and 9 and is therefore rejected under similar rationale, except to store various data files to be written to said blank writeable media (Keller: col. 12, lines 35-42) upon an ejection (Kurashina: col. 3, lines 13-23; col. 8, lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9) or burn operation (Keller: col. 12, lines 35-42) that the modified Keller also teaches.

9. Claims 6, 7, 12, 13, 30, 31, 36, 37, 54, 55, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. ("Keller", US 6,621,768) in view of in view of Kurashina et al. ("Kurashina", US 6,661,763 B2) in view of Screen Dumps

of Microsoft Word ("MS Word") as applied to claims 2, 26 and 50, and further in view of Moore et al. ("Moore", US 5,835,297).

As per claim 6, although the modified Keller teaches a method for operating a data processing system, the method comprising displaying on a display device coupled to the DPS, a prompt to a user with at least two selectable options which allow a user to: (1) eject the writeable media or (2) use the writeable media (Keller: figs. 2 and 7-13; col. 4, line 63 through col. 5, line 13; col. 5, line 44), the modified Keller does not explicitly disclose displaying automatically, in response to the receiving of the writeable media and on a display device coupled to the DPS, *an icon*, displayed on a desktop interface of the DPS. Moore's background of the invention discloses a method for operating a data processing system, the method comprising displaying automatically, in response to the inserting and on a display device coupled to the DPS, an icon, displayed on a desktop interface of the data processing system (col. 1, lines 17-26). Therefore, it would have been obvious to an artisan at the time of the invention to include The modified Keller's method of displaying automatically, in response to the inserting and on a display device coupled to the DPS, a context menu of the writeable media to Moore's method of displaying automatically, in response to the inserting and on a display device coupled to the DPS, *an icon*, displayed on a desktop interface of the DPS in order to provide users with quicker access to often used functions or applications.

As per claim 7, the modified Keller teaches a method for operating a data processing system, the method wherein the icon may be directly used through the

graphical user interface to write data on the writeable media (Moore: col. 1, lines 17-26; Keller: fig. 1).

As per claim 12, the modified Keller teaches a method for operating a data processing system, the method wherein the icon is directly used by a method which includes one of (a) dragging and dropping of at least an icon onto the icon, or (b) copying and pasting the at least an icon onto the icon (Moore: col. 1, lines 17-26).

Claims 30 and 54 are individually similar in scope to claim 6 and are therefore rejected under similar rationale.

Claims 31 and 55 are individually similar in scope to claim 7 and are therefore rejected under similar rationale.

Claims 36 and 60 are individually similar in scope to claim 12 and are therefore rejected under similar rationale.

Claims 37 and 61 are individually similar in scope to claim 13 and are therefore rejected under similar rationale.

As per claim 13, although the modified Keller teaches a method for operating a data processing system, the method wherein the comprises a plurality of icons on the interface, a storage device coupled to the data processing system and data files, the modified Keller does not explicitly disclose the use of icons to represent storage devices, data files and subdirectories on a desktop interface. Official Notice is taken that the use of icons to represent storage devices, data files and subdirectories on a desktop interface are well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of icons to represent storage devices, data

files and subdirectories on a desktop interface to the modified Keller's teaching of a plurality of icons on the interface, a storage device coupled to the data processing system and data files in order to provide users with a visual representation that closely relates to the item that it represents.

10. Claims 8, 15-17, 32, 39-41, 56 and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. ("Keller", US 6,621,768) in view of Kurashina et al. ("Kurashina", US 6,661,763 B2) in view of Screen Dumps of Microsoft Word ("MS Word") in view of Screen Dumps of Microsoft CD Player ("MS CD Player") as applied to claims 5, 14, 29, 38, 53 and 62, and further in view of Moore et al. ("Moore", US 5,835,297).

As per claim 8, although the modified Keller teaches a method for operating a data processing system, the method comprising displaying automatically, in response to the inserting and on a display device coupled to the DPS, a context menu of the writeable media (Keller: figs. 2 and 7-13; col. 4, line 63 through col. 5, line 13), the modified Keller does not explicitly disclose displaying automatically, in response to the receiving of the writeable media and on a display device coupled to the DPS, *an icon*, displayed on a desktop interface of the DPS. Moore's background of the invention discloses a method for operating a data processing system, the method comprising displaying automatically, in response to the inserting and on a display device coupled to the DPS, an icon, displayed on a desktop interface of the data processing system (col. 1, lines 17-26). Therefore, it would have been obvious to an artisan at the time of the invention to include the modified Keller's method of displaying automatically, in

response to the inserting and on a display device coupled to the DPS, a context menu of the writeable media to Moore's method of displaying automatically, in response to receiving of the writeable and on a display device coupled to the DPS, *an icon*, displayed on a desktop interface of the DPS in order to provide users with quicker access to often used applications.

Claims 15, 32, 39, 56 and 63 are individually similar in scope to claim 8 and are therefore rejected under similar rationale.

As per claim 16, the modified Keller teaches a method for operating a data processing system wherein the icon is displayed on a desktop interface of the DPS and wherein the icon may be directly used to write data onto the blank writeable media (Moore: col. 1; lines 17-26; Keller: fig. 1).

As per claim 17, the modified Keller teaches a method for operating a data processing system wherein the icon is displayed before formatting of the blank writeable media (Keller: col. 14, line 66 through col. 15, line 60; *described is an initial view wherein users may press button 59, causing the compact disc recorder to enter a write compact disc mode*).

Claims 40 and 64 are individually similar in scope to claim 16 and are therefore rejected under similar rationale.

Claims 41 and 65 are individually similar in scope to claim 17 and are therefore rejected under similar rationale.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 14, 18, 25, 38, 42, 49, 62 and 66 have been considered but are moot in view of the new ground(s) of rejection, except for the following:

(a) Kurashina fail to specify the receiving of a blank writeable media into a drive and the use of a graphical user interface in communicating the ejection command.

(b) Keller, Kurashina, and MS CD player does not teach or suggest at least three selectable options which allow the user to (1) eject ... (2) use said blank writeable media ... (3) launch an audio CD creation program. Furthermore, the options and their operation depend solely on a media that is not blank.

(c) There is no reference in Keller as to where in a data storage structure such files are stored.

The examiner disagrees for the following reasons:

Per (a), the modified Keller teaches receiving of a blank writeable media into a drive (Keller: col. 12, lines 35-40; "CD-RW...inserted in the compact disc tray" wherein *the writeable media is inherently a blank writeable media since the modified Keller discloses writing data onto the writeable media*) and the use of a graphical user interface in communicating the ejection command (Keller: figs. 2 and 7-13; col. 4, line 63 through col. 5, line 13; col. 5, line 44; *described is an "eject" option within an interface for issuing commands to a computer utilizing a pointing device, such as a finger or light pen, that manipulates and activates graphical images*).

Per (b), the modified Keller does teach (1) eject ... (i.e. *upon ejecting without writing, the writeable media is blank and upon writing then ejecting, the writeable media is a "once writeable media"*; Keller: figs. 2 and 7-13; col. 4, line 63 through col. 5, line 13; col. 5, line 44; Kurashina: col. 11, lines 56-58; col. 12, lines 7-9; MS CD Player: fig. 2) (2) use said blank writeable media ... (Keller: col. 12, lines 35-42; *the user is using the blank writeable media to save digital files*) (3) launch an audio CD creation program (MS CD Player: fig. 2; *upon receiving an optical storage medium, launching the audio CD program and displaying a prompt to a user with a plurality of selectable options such as an eject option on a display device*; Keller: col. 12, lines 35-42; *audio CD creation program*; Kurashina: col. 3, lines 13-23; col. 8, lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9; *audio CD creation program*). Moreover, the modified Keller's teaching of a blank writeable media is consistent with the definition of blank as 1) an empty space, and/or 2) not completed (<http://dictionary.reference.com/search?q=blank>) wherein the writeable media is inherently a blank writeable media since the modified Keller discloses writing data onto the writeable media (Keller: col. 12, lines 35-42; Kurashina: col. 3, lines 13-23; col. 8, lines 34-59; col. 11, lines 56-58; col. 12, lines 7-9).

Per (c), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a specific location where files are stored in a data storage structure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Furthermore, the Office notes that applicant did not contest the factual assertion set forth under Official Notice in paragraph two of section eight of the Office Action of 6/1/05.

Inquires

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
October 27, 2005


KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100